

AMENDED IN ASSEMBLY APRIL 11, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1668**

---

**Introduced by Assembly Member Leno**

February 23, 2007

---

An act to add Section 11541.1 to the Government Code, relating to information technology.

### LEGISLATIVE COUNSEL’S DIGEST

AB 1668, as amended, Leno. Information technology: ~~open-document software.~~ *use of approved open file format software.*

Existing law sets forth the requirements for the acquisition of information technology goods and services, and establishes the duties and responsibilities of the ~~Department of Technology Services~~ *State Chief Information Officer*.

~~This bill would require all state agencies, beginning on or after January 1, 2008, to create, exchange, and preserve all documents, as specified, in an open extensible markup language-based, XML-based file format, and to start to become equipped to receive any document in an open, XML-based file format, as specified. The bill also would require the Department of Technology Services to evaluate, as specified, all open, XML-based file formats and to develop guidelines, as specified, for state agencies in using open, XML-based file formats.~~

*This bill would require state agencies and departments to only create, exchange, maintain, and preserve all electronically produced text documents, spreadsheets, and presentations, and to accept this type of information, in an open file format approved by the State Chief Information Officer. The bill would further set forth the criteria for the State Chief Information Officer to approve an open file format and to*

*create guidelines for state agencies and departments to follow in determining whether to convert electronic text, spreadsheets, and presentations existing before January 1, 2008, to an approved open file format.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 11541.1 is added to the Government Code,*  
2     *to read:*

3     *11541.1. (a) A state agency or department shall only create,*  
4     *exchange, maintain, and preserve all electronically produced text*  
5     *documents, spreadsheets, and presentations in an open file format*  
6     *approved by the State Chief Information Officer. The State Chief*  
7     *Information Officer may approve any open file format that meets*  
8     *all of the following criteria:*

9     *(1) Interoperable among diverse internal and external platforms*  
10    *and applications.*

11    *(2) Fully published and available royalty-free.*

12    *(3) Fully and independently implemented by multiple software*  
13    *providers on multiple platforms without any intellectual property*  
14    *restrictions for necessary technology. An “intellectual property*  
15    *restriction” does not include a right retained by the holder of a*  
16    *patent or copyright to terminate a license or covenant with any*  
17    *person or entity that brings a claim of patent or copyright*  
18    *infringement against the holder.*

19    *(4) Developed and maintained by an open industry organization*  
20    *with a well-defined inclusive process for evolution of the standard.*

21    *(b) A state agency or department shall be able to accept all*  
22    *electronically produced text documents, spreadsheets, and*  
23    *presentations in an open file format approved by the State Chief*  
24    *Information Officer.*

25    *(c) Not later than \_\_\_\_\_, the State Chief Information Officer*  
26    *shall develop guidelines for state agencies and departments to*  
27    *follow in determining whether to convert electronic text,*  
28    *spreadsheets, and presentations existing before January 1, 2008,*  
29    *to an approved open file format. In developing these guidelines,*  
30    *the State Chief Information Officer shall consider all of the*  
31    *following:*

1     (1) *The cost of conversion.*

2     (2) *Potential cost savings of migrating to applications*  
3     *supporting an approved open file format.*

4     (3) *The need to ensure public access.*

5     (4) *The expected storage life of the electronic text documents,*  
6     *spreadsheets, and presentations.*

7     (d) *A state agency or department shall migrate to each open*  
8     *file format approved by the State Chief Information Officer during*  
9     *the regularly scheduled software upgrade cycle immediately after*  
10    *the agency or department receives notice that the State Chief*  
11    *Information Officer approved the open file format.*

12    ~~SECTION 1. Section 11541.1 is added to the Government~~  
13    ~~Code, to read:~~

14    ~~11541.1. (a) Beginning on or after January 1, 2008, all~~  
15    ~~documents, including, but not limited to, text, spreadsheets, and~~  
16    ~~presentations, produced by any state agency shall be created,~~  
17    ~~exchanged, and preserved in an open extensible markup~~  
18    ~~language-based, XML-based file format, as specified by the~~  
19    ~~department. When deciding how to implement this section, the~~  
20    ~~department in its evaluation of open, XML-based file formats shall~~  
21    ~~consider all of the following features:~~

22    ~~(1) Interoperable among diverse internal and external platforms~~  
23    ~~and applications.~~

24    ~~(2) Fully published and available royalty-free.~~

25    ~~(3) Implemented by multiple vendors.~~

26    ~~(4) Controlled by an open industry organization with a~~  
27    ~~well-defined inclusive process for evolution of the standard.~~

28    (b) ~~Beginning on or after January 1, 2008, state agencies shall~~  
29    ~~start to become equipped to accept all documents in an open,~~  
30    ~~XML-based file format for office applications, and shall not adopt~~  
31    ~~a file format used by only one entity.~~

32    (c) ~~The department shall develop guidelines for state agencies~~  
33    ~~to follow in determining whether existing electronic documents~~  
34    ~~need to be converted to an open, XML-based file format. The~~  
35    ~~department shall consider all of the following:~~

36    ~~(1) The cost of converting electronic documents.~~

37    ~~(2) The need for the documents to be publicly accessible.~~

38    ~~(3) The expected storage life of the documents.~~

O